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**JOURNAL OF THE NATIONAL ASSOCIATION OF DOCUMENT EXAMINERS**

**THE NADE JOURNAL**

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**THE VINCENT FOSTER "SUICIDE NOTE"**  
**DID STRATEGIC ENTERPRISES' PURPORTED EXPERTS PROVE IT FORGED?**

*By Marcel Malley*

**ABSTRACT:** Unsolved Mysteries requested an assessment of reports by three purported handwriting experts who said that the Vincent Foster suicide note was a forgery. Also requested was an original examination of the questioned and exemplar materials used by the three experts, plus an opinion as to authenticity. This paper is a modified version of the report which was submitted to Unsolved Mysteries and which served as basis for their televised interview. The three purported experts, along with a fourth, were also interviewed as a part of that broadcast. I was the lone expert interviewed during that segment as a counter to their claims. The assessed misobservations, false assumptions and invalid theory of the three purported experts are discussed, along with the evidence proving the note to be genuine.

## **BACKGROUND**

On October 25, 1995, Strategic Enterprises released a document titled: *"An Independent Forensic Examination of a Torn Note Allegedly Written by Vincent W. Foster, Jr."* It contained reports by three purported handwriting experts, Vincent J. Scalice, Reginald Ernest Alton, and Ronald H. Rice, asserting that the note in question, designated as Q-1 (see Figure 1), was not written by Foster. The FBI and Federal Park Police experts had previously reported that the note in question was the authentic handwriting of Vincent Foster.

The following is modified from the report submitted to Unsolved Mysteries, (Cosgrove/Meurer Productions). Paragraph numbers follow those in the original reports being critiqued. The absence of a critique for a particular point made in any of the three reports in no way indicates any agreement with the point nor that it lacked grounds for critical evaluation.

### **I. VINCENT J. SCALICE: 10-6-95 LETTER.<sup>1</sup>**

**RESULTS:** Under this heading, Scalice gives his three opinions.

1. He says there are "*numerous marked differences*" between the note and the exemplars. Such generalized statements are of no value. An expert must give specific instances to demonstrate the "*marked differences*." A handwriting opinion is of no value whatsoever without pointing out verifiable observations in the writing and explaining the principles by which they are interpreted.<sup>2</sup>

2. The one specific, concrete assertion he gives is: "*Marked differences are noted in execution of stroke and the beginning of letter formations.*" "*Marked differences*" is not a term of art and is not defined in the report, which makes a fatal failing in methodology. Still, compare, for example, "*the*" in Figure 1 with "*the*" in the exemplar, K-1 of Figure 2. "*Marked*" means a great degree of, or very apparent, or made to stand out noticeably, such as in: "*Mark the box of your choice.*" In no sense of "*marked*" are any differences between Q-1 and K-1 "*marked*."

He also asserts that Q-1 is "*less continuing and flowing.*" The definition of a handwriting non-identification is the presence of one or more significant differences which cannot be reasonably

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explained. The scenario of the man writing this just before killing himself gives a very reasonable explanation why the movement would be "*less continuing and flowing*" than in his other writings. Suicide is a very "*less continuing*" act and a permanent stop to any flowing. On the contrary, as we will see later, the overall graphic motor sequence and physiology of the writing is the same in Q-1 and the exemplars, only K-1 of which is herewith reproduced.

3. Vincent Scalice says the note is a simulation. Later we will see that for all practical purposes it is impossible to have that good of a simulation.

**ADDITIONAL FINDINGS:** These consist of other opinions and observations by Vince Scalice.

1. Considering Q-1 as a suicide note, he claims: "*Q-1 is not consistent with a genuine suicide note.*" Scalice is not a forensic linguistics expert nor a psychologist, nor a psychologist with a specialty in suicide. A psychologist who has studied suicides, Antoon A. Leenaars, Ph.D., C.Psych., wrote "*Suicide Notes; Predictive Clues and Patterns*," New York, Human Sciences Press, Inc., 1988. Chapter 12 of that book, "*Summary and Synthesis*," states the characteristics of genuine suicide notes. The text of Q-1 fits the expected protocol. Scalice's assertions fit the protocol of make-believe suicide notes written under test conditions.

2. "*It is highly doubtful that the missing piece from Q-1 would have contained his signature.*" This is considered a speculative opinion. In a court of law, a speculative expert opinion can be denied admission.<sup>3</sup>

3. In another non-factual, merely speculative opinion he says there "*should certainly*" be latent prints, but not all paper takes prints. Q-1 was subject to physical trauma, such as unavoidable handling and reconstruction, all of which could negate latent prints.

4. Scalice says the police failed to meet proper guidelines for exemplars. In identification of a signature, 12 exemplars are the general rule of thumb. A full note is equivalent to more writing than 12 signatures. K-1 in Figure 2 is the exemplar which was most comparable to Q-1 because it is a continuous passage, a full note.

5. This paragraph has further unwarranted criticism of the FBI's exemplars.

6. Since expression in the note seems disjointed to him, Scalice claims the lack of a psycholinguistic analysis is serious; however, this point is immaterial to the physical act of writing. It only refers to the literary expression of the author of the text, not by whom or how it was written down. On the other hand, one's mental state at the time of suicide necessarily impacts on one's mind and thus on one's manner of expression.

7. Scalice makes issue of the long time in finding and piecing Q-1 together. Three replies can be given:

(a) It can reasonably explain why latent prints would not be present.

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- (b) A theoretical possibility of forgery is not proof, only speculative suspicion at best. But the possibility is met by the positive identification of Foster as the writer.
- (c) The suggestion of someone other than Foster tearing the note in 28 pieces and having one piece not found, all in order to "*hinder*" the investigation, is the rankest kind of unfounded speculation.

#### SCALICE: 9-6-95 LETTER.

This earlier letter is much shorter and had six numbered paragraphs. The second was not an improvement on the first.

1. He claims that "th" formations have "*marked differences*" between the note and the exemplars. It takes little observational skill to see that there are no more differences across samples than there are within the same sample.

2. The four occurrences of the word "to" in Q-1 are given to prove Foster did not write it. If the 49 or so words in K-1 were considered insufficient to support the FBI opinion of genuineness, then the four "to's" are surely insufficient to support Scalice's contrary opinion. Nevertheless, as with "th," there are no more differences across samples than within samples. See Figure 3.

3-6. These paragraphs contain the same kind of invalid arguments as are found in paragraphs 1 and 2.

We can point out an important point of logic to impeach Scalice's entire opinion and its foundation. If his alleged "*marked differences*" are enough to prove that the writer of the exemplars was not the writer of Q-1, then they also prove different persons wrote each sample. Why? Because the degree of differences within the same sample equals the degree of differences between samples. Even the same word having the same letter repeated show differences between those letters. So logically he would have to say different people wrote different parts of the very same word.

### III. REGINALD ERNEST ALTON'S OPINION.

Alton presents the most theoretical and seemingly intellectual of the reports. The only problem with his theory is that it is incorrect, and the only drawback to his intellectual approach is that it does not make good sense nor is it founded on accurate observations. His report consists of twelve numbered paragraphs.

1. He says that the writer of the exemplars is "*mature*." That is an example of an ambiguous statement: Psychologically mature? Sexually? As a penman? Or other ways of being mature? An expert should avoid such irrelevant and ambiguous statements, as it shows imprecision.

2. He says that parts of K-1 through K-12 were used as models in forging Q-1. Is he asserting that the alleged forger had all the exemplar writings in hand while writing Q-1? By all

accounts they were never collected together until some time after the man's death, otherwise the only reasonable suspect is the person who gathered and supplied all the exemplars. However, since presumably no one saw all of the exemplars as a group prior to Foster's death but Foster himself, Alton's logic really proves that Foster carefully copied his suicide note while trotting around to the various places where the exemplars were kept and later found, picking and choosing a letter here and a word there to imitate until he finished the note.

3. He makes a good, but not especially astute, point about how tearing a note up and piecing it back together makes it harder to examine. As to his assertion that the "*lineation and layout*" of the note often betray "*a forger's eye as it wanders from forgery to model*," it is sheer stuff and nonsense. The discontinuity of the note is typical of Foster's graphic motor sequence, easily discerned in K-1.

4. Of three alleged axioms of handwriting identification which he gives, only one has some validity.

(a) Contrary to his belief, all letter forms and ligatures are not available to every writer of a language, but only those of which the writer has knowledge and the ability to replicate. One could not replicate Foster's general style of writing, much less his individual details, without figuring out his motor sequence, pen grip and pen scope. Since the three purported experts showed no capacity to observe and report these things, how could a theoretical forger do so, who presumably is much more ignorant of handwriting theory and much more inept at handwriting observation?

(b) He gives a laundry list of features which "*contribute to the general appearance*." The "*characteristic movements of the hand*" are the most critical thing mentioned, yet it proves Foster wrote Q-1, while none of the reports provides any description of any characteristic movement of the hand. In fact, except for form or shape of letters and strokes (touched on by Alton's "roundness or angularity"), there is no mention of any of the things Alton gives in this "*axiom*."

© He gives two basic stroke forms: "*Swaggers*," or what is called a garland which is a u-shaped formation, and "*Archers*," more commonly known as an arcade, or a dome-shaped stroke. Actually there are five basic stroke forms, the other three being angle, thread and straight line. Other names are at times given to these five basic forms of strokes. In general, these can be found in different combinations and differing degrees of dominance in different people's writing. To the perceptive expert, of far more value than the form of strokes is the speed, continuity, symmetry, proportion and pressure pattern with which strokes were executed. These reports exhibit no comprehension of such qualities.

5. Alton actually made misobservations by claiming Foster had "*an even and rhythmic movement through a series of elegant swags*." He does not seem to know that all retracing retards pen movement as well as diminishing or eliminating garland forms in connectives. Both the exemplars and note are dominated by pressured, straight, horizontal strokes to the right. "Straight" is to be taken relative to the organic movement of a living hand. This is caused by the manner in

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which the pen is gripped and driven across the page with very little variance if any. See below where a description is given of Foster's manner of writing. Foster's writings are the first writings I have seen made just about unvaryingly with a lateral grip.

In the second paragraph of 5, Alton has another thing grossly wrong. As an imitator goes along, the imitation breaks down, because attention varies and concentration on mechanical production lessens. If Alton is right that it is more like Foster's normal writing as it goes along, that is proof that, one, the situation disturbs Foster's writing and, two, he really wrote it. While a forger's imitation lessens as it goes along, the real writer will tend to overcome circumstantial influences as he progresses.

6. Saying the "swags" prove forgery, Alton violates his own axiom that movement, not letter form, is important. He mentions that the same words and letter combinations should be exact matches, while nothing in handwriting is an "exact" match except phenomena like automatism and tracings. The same words and letter combinations within the note are not exact matches even to each other, so it is unreasonable to expect them to be so with the exemplars.

7. He again asserts that same words ought to be exact matches between Q-1 and the exemplars. The two written words, "benefits," in Q-1 do not make an "exact match" between themselves, yet he expects them to do so with another document. Logically if the lack of exact match across samples proves Foster did not write Q-1, then lack of exact match within Q-1 proves that two *or more* different persons wrote it. See Figure 3.

He claims that some letters are made in two or more strokes. Did he not know that he had a deteriorated copy, being from a photocopy of a copy from the Wall Street Journal? Photocopy a writing enough times and it will look fragmented. See Figure 4. One must check the original or a very good quality copy to determine multiple stroke formations, and in some instances the original or a good quality photographic print is a must.

Alton's opinion is that the alleged forger was copying the word, "benefit," from K-1. But if he is correct, then the person who supplied the exemplars is the forger, since they were not collected together in one place until they were needed as known exemplars. Not even the park police and FBI had them all.

8. Alton makes observations of other features, which are the product of photocopying, as if they were directly seen in the original, such as loop of "h" does not seem to exist or is a mere thickening. Again, see Figure 4.

9. He plows ahead with impeachable observations and speculative interpretations of the same kind. Small d's are said to differ, but again there is the same degree of difference within samples as across samples.

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Finally, Alton virtually dismisses circumstances of writing as a factor. However, psychological stress affects the muscles through tension, and muscular tension affects writing in observable ways which have been researched.<sup>4</sup> The reasons which Alton gives as proving his opinion of falsity are directly related to writing made under stress. Courts of law have recognized that severe stress can affect writing in observable ways. Also, courts have found wills and other writings legally invalid although physically authentic.<sup>5</sup>

**IV. RONALD H. RICE'S REPORT.**

The cover statement to the reports said that they were all made independently, notwithstanding the fact that Rice's report is dated before either of Scalice's and it is addressed to him. But Rice's report has a quality which the other two do not. The substance of it could fit within half a page but the report extends to four pages. Two full pages give detailed descriptions of the 11 documents examined. His opinion statements employ extra words, so that he takes 25 words to say: "Foster did not write Q-1." He takes 32 words to say the same thing in different form: "One person wrote Q-1, and another wrote the exemplars." He takes 32 words to introduce those two redundant opinions, so that a total of 89 words serve to say what 9 could: "My opinion is that Foster did not write Q-1."

Since his "BASIS FOR OPINION" says much the same as the other two, and does so with far less literary skill, we can skip a critique. We should note that he is the one who states that Q-1 is a photocopy from a Wall Street Journal illustration. Yet he does not state what effect this fact has upon his examination and opinion. It should qualify it, while he gives a completely unqualified opinion, as quoted next.

In his section called "RE: Part II, B.", Rice provides the same nonsense as Scalice gave, though doing so first, as witness the date on his report. He does the clever thing of asserting "*definitive factors*" then giving simply a list of many letters, never stating the specifics of his alleged idiosyncracies, much less illustrating any, thus leaving "definitive factors" a very non-definitive thing.

**V. A BRIEF STATEMENT OF MY OBSERVATIONS AND OPINION.**

A. Foster wrote all documents submitted.

B. In comparing all the documents submitted, the graphic motor sequence and physiology of the writing are the same, including:

- ◆ Lateral grip of the pen which alters rarely if at all;
- ◆ Pen scope of same length;
- ◆ Nearly vertical pen presentation; and
- ◆ Dominant finger movement in letter formation, with wrist flexion in circular-like formations.



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C. General writing traits are the same, as in:

- ◆ Word spacing;
- ◆ Line spacing;
- ◆ Letter connections or ligatures;
- ◆ Pressure emphasis horizontal to the right;
- ◆ Basic writing style and letter formations;
- ◆ Proportions;
- ◆ Overall slant pattern; and
- ◆ Overall baseline pattern.

D. Differences are reasonably explainable within the scenario of a pending suicide but not within the scenario of a forger imitating Foster's writing:

- ◆ Unless a handwriting expert or forger could discern Foster's pen grip and relative finger-hand-arm movements, imitating his writing would require keeping that right and keeping it constantly right throughout a full page of writing. Then one would have to concentrate on the formations, ligatures, pressure pattern, slant, baseline, etc. to keep them all correct all the time. That task is both a mental and physical impossibility.
- ◆ The content of the note fits Leenaars' report of the expected protocol sentences in a suicide note.
- ◆ The differences between Q-1 and the exemplars is reasonably explained by the effect of mental and emotional stress on handwriting as reported in case law, in document examination literature<sup>6</sup> and in psychological research reported in the psychological literature.<sup>7</sup> The hypothesis of a forgery gives no reasonable explanation for any of the differences.<sup>8</sup>
- ◆ The differences reported by the three purported experts are not significant except for the lack of flow. Their other correct observations of differences are merely parts of the lack of flow. But the lack of flow is exactly what stress does to handwriting, and so it is not a significant basis for an opinion of non-identity; besides, Foster's handwriting lacked flow anyway. "Marked," "totally differing," and other terms used in the reports for differences alleged to have been observed, are not terms of art in the field of forensic handwriting identification.

## VI. FOSTER'S MANNER OF WRITING.

Relying on our knowledge of the graphic motor sequence and of how various postures and pen grips effect handwriting, we can reconstruct Foster's manner of writing. We verify our reconstruction by seeing what that manner does to our own writing.

Foster was right handed. To obtain writing as in the note and exemplars one must use a lateral grip with the thumb on the left side of the pen and pushing the pen rightward, while the fingers do not exert major push. For most writers, the dominant push is downwards from the index

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finger on the top side of the pen. Most people using a lateral grip will alter the grip, exerting the lateral grip in certain situations, as in making a t-bar. This grip will also produce narrow letters, since it inhibits the flexion of the fingers which is required for small looping movements.

Foster's writing is also vertical to slightly left slanted. We know that a vertical hold of the pen produces a vertical slant, all things being equal. With a slight angling of the pen shaft to the left away from the writer, the vertical to slightly left slant is produced. A final ingredient is needed to obtain the full pictorial effect of Foster's writing. While gripping the pen as described, one hunches over the paper, a posture facilitated by sitting on the edge of the chair with abdomen almost, if not actually, touching the table edge. The placement of the paper should be on the axis of the right forearm and anchored by the left forearm and hand.

When I experimented with this writing posture and grip, I produced Figure 5. Line one of that figure is my usual writing style. In the second and third lines I used a vertical hold with lateral grip. Line four resulted from hunching over the paper. Compare these efforts with the same words in Figure 1. Figure 6 resulted with a bit of practice and was written during the television interview for *Unsolved Mysteries*. Figures 5 and 6 also illustrate the enormous effort and practice needed to have the grip/posture combination correct as well as stylistic and other features. Foster's writing is an inherently extremely difficult writing to imitate because of the most unusual grip and posture required, whereas in most imitations one merely need obtain a passable resemblance to letter form and style.

To test this reconstruction for yourself, first write the following words in your normal style and pen grip: "or standard of conduct." Then write the same words adopting the pen grip and writing posture described above. The unaccustomed manner may be so against your own ingrained habits that it might be disturbing to you, just as any situation which is extremely contrary to one's deeply ingrained custom can be disturbing. If so, be reasonable and do not pursue the experimentation further.

Incidentally, Strategic Enterprises and its experts said the note was a forgery. Even if someone else wrote the note, it cannot be a forgery, since a forgery is the fraudulent making or uttering of an instrument which, if genuine, would impose a legal liability or obtain an unjust gain. The note has no face validity as an instrument of liability or gain, and thus it could never be legally designated as a forgery.<sup>9</sup>

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### THE ILLUSTRATIONS.

The six illustrations were produced by scanning the documents into the computer and printing at 600 dpi on a Hewlett/Packard Laser Jet 5. All are original size, and a millimeter scale serves to indicate this.

Figure 1: Margins were partially sacrificed so that the note would print full size on standard letter-size paper.

Figure 2: Ink marks were added to make clear the edges of the original note paper. This was the only exemplar which was written as an uninterrupted text.

Figure 3: A comparative chart between Q-1 and some exemplars. The two lines from Q-1 at the bottom were the most extensive lines of writing unaffected by the tearing of the note.

Figure 4: This was made to illustrate what photocopying can do to handwriting. The top portion was scanned from the original handwriting. The bottom portion is a first generation photocopy made at a normal setting. Note lost strokes, thickening of strokes, and blunting of endings. The last "g" in line one of the photocopy even gives the illusion of a pen lift and off-set continuation in the down stroke where it crosses the up stroke.

Figure 5: A sample of practice at imitating the writing style of Foster. Note that effort at an unaccustomed lateral grip causes too much rightward expansion. An imitator must not only imitate the victim, but must also counter unintended effects on the writing which any deliberate alteration of one's graphic motor sequence necessarily has.

Figure 6: This was written during the taped interview with Unsolved Mysteries. While the final tape showed this act of writing, the explanation of its import on solving the problem was not heard. As you can easily see, the master patterns of the letters remain essentially mine, so you would know that it was for the true writer a disguise and that the difference between the two lines of writing was merely pictorial.

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I made no mistake from ignorance, inexperience  
and overwork

I did not knowingly violate any ~~law~~ standard  
of conduct

No one in the White House, to my knowledge,  
violated any law or standard of conduct, including  
any action in the travel office. There was no intent  
to benefit any individual or specific group

The FBI lied in their report to the AG

The press is covering up the illegal benefits they  
received from the travel staff

The AG has lied and misrepresented his  
knowledge and role and covered up a press violation

The White House plotted to have excessive  
costs incurred, taking advantage of Kate and me

The public will never believe the words  
of the Clintons and their loyal staff

The W.S.J. editors lie without conscience

I was not meant for the glare or the spotlight  
of public life in Washington. Here running people  
is considered sport.

Figure 1



THE VINCENT FOSTER "SUICIDE NOTE"

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*By Marcel Matley*

VINCENT W. FOSTER  
WASHINGTON, D.C.

6/18/93

6/18/93

6/18/93

can Exploration Co. —

I am returning your check No. 04820598.  
interests & dividends were owned by  
my father. As reflected by the enclosed  
order these interests were distributed  
my mother. As reflected by the enclosed  
claim deed she assigned the interests  
me.

Please review your records



Figure 2

Sincerely

Vincent W Foster

## THE VINCENT FOSTER "SUICIDE NOTE"

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## QUESTIONED

Q-1

the the the  
 to to to for  
 costs Clinton's  
 benefit benefits

## KNOWN

K-1

the the the  
 K-9 K-10  
 to to to  
 K-9  
Clinton's Sometimes  
 K-10 K-11  
benefit benefit

Q-1

or standard of conduct, under  
 moral officer. There was no.

K-1

at order there interests  
 my mother. As reflected by

Figure 3



*By Marcel Matley*

This is a sample writing  
To show how copying can  
deteriorate handwriting.

This is a sample writing  
To show how copying can  
deteriorate handwriting.

Figure 4



## THE VINCENT FOSTER "SUICIDE NOTE"

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or standard of conduct  
 or standard of conduct  
 or standard of conduct  
 a  
 or standard of conduct

Figure 5



This is the way I write.

This is the way he  
 writes



Figure 6



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## ENDNOTES

1. After this paper was prepared for The NADE Journal, I found out that Vincent Scalice had died recently. I had known him personally and had a personal respect for him. In his proper field of criminal investigations he was well known and respected. Questioned documents were not his specific field of expertise.

2. In *Hilliard v State*, 92 GA Ap 294, 88 SE2 425 (1955), one of many cases which could be cited on the point, the Court of Appeal said at 88 SE2 427: "The very nature of the handwriting expert's testimony required that she be allowed to give an account, extended though it was, of her reasons for reaching the conclusion that the defendant was the author of the threatening letter. Her opinion, unexplained, might have little value. . . . In stating and illustrating the reasons for her conclusion, the witness was not arguing the case."

In *Magnuson v State*, 187 WI 122, 203 NW 749 (1925), the Supreme Court of Wisconsin was even more pointed, implying at 203 NW 754 that explanation for an expert opinion should be required: "A rule of law that would permit an expert to take the stand and state his conclusion without doing any more would place the least qualified, most prejudiced expert on the same level as the best qualified and most conscientious expert. Particularly this is true in regard to the testimony given by a handwriting expert, which rests very largely for its convincing power upon the similarities and peculiarities which enable the expert to arrive at his conclusion."

3. In the case, *People v Hester*, 39 IL2 489, 237 NE2 466 (1968), cert. denied 397 US 660, 90 S Ct 1408, 25 L Ed 2 642 (1970), a graphoanalyst was offered to prove the murder victim was in state of shock when writing the last two words of a note. At 237 NE2 480, the Illinois Supreme Court said: "We believe that the trial court's refusal to allow this witness to give an opinion on the victim's emotional state of mind was well within the court's discretionary powers to exclude proffered testimony which is speculative and therefore incompetent."

4. Jean A. Cottraux, et al. "The treatment of writer's cramp with multimodal behaviour therapy and biofeedback; a study of fifteen cases." BRITISH JOURNAL OF PSYCHIATRY, 142:180-3, Feb. 1983. This is one of several studies in the medical literature illustrating the point. On page 183 the authors say: "In our sample, writer's cramp seems to be a response related to working conditions."

5. *Gibbons v Redmond*, 142 KS 417, 49 P2 1035, 103 ALR 893 (1936), is a leading case accepting expert testimony as to mental condition based upon handwriting. At 103 ALR 895 the signature is illustrated. The ALR annotation is titled: "Competency of testimony as to one's mental condition, based upon handwriting."

*In re Little's Estate, Sparling v Stephens et al.*, 46 CA Ap 776, 189 P 818 (1920), is a case in which the Court of Appeal gives clear statements that nervousness due to mental and physical strain affects handwriting. In light of that knowledge, the Court of Appeal examined photographic

copies of the will and of writings prior to degeneration, and it concluded that the difference in writing only showed that the deceased was nervous, in declining health and addicted to alcohol.

6. Two of several papers which could be cited are:

Mahek Legien, "*Graphic test as a method for estimation of testator's psycho-physical condition.*" *FORENSIC SCIENCE INTERNATIONAL*, 46:55-61, May-June 1990.

A. Naftali, "*Behavior factors in handwriting identification.*" *JOURNAL OF CRIMINAL LAW, CRIMINOLOGY AND POLICE SCIENCE*, 56:528-39, Dec. 1965.

7. The following shows how this is so true of handwriting that it can be used to measure muscular tension: Jurgen Ruesch, et al., "*Muscular tension of psychiatric patients: pressure measurements on handwriting as an indicator.*" *ARCHIVES OF NEUROLOGY AND PSYCHIATRY*, 50:439-49, 1943.

8. On page 36 of "*Reliability Testing of Expert Handwriting Opinions*," by Marcel B. Matley, 1992, the following definition and example of a reasonably explainable difference is given: "A 'reasonably explainable' significant difference is one which we would expect to be similar if the identification is correct, but which is not similar; however, for the hypothesis of our identification to be correct, we must offer an established principle from handwriting theory which accounts for both the significant difference and the pertinent facts of the making of the document. For example, suppose that we identified a signature with cramped forms as made by a person whose exemplars show large and open forms and that our client alleges that it was written in extreme cold. One experimentally verifiable handwriting theory is that extreme cold is a cause of cramped writing. That makes the difference reasonably explainable within the context of our hypothesis. Any contrary opinion, which cannot reasonably account for both the cramped writing and the similarity of features on which we have based our identification, would not be tenable."

9. In *People v McKenna*, 11 CA Ap 22 327, 79 P2 1065 (1938), the Court of Appeal said at page 1068: "The crime of forgery consists either in the false making or alteration of a document without authority or the uttering (making use) of such a document with the intent to defraud. . . . [T]he test is whether upon its face it will have the effect of defrauding one who acts upon it as genuine." The Foster note speaks of nothing which could be construed as a potential fraud, the deceitful and illicit taking of a thing of economic value.

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My web site is [www.handwritingexpertconsultant.com](http://www.handwritingexpertconsultant.com).

My e-mail address is [matleyhwexpirt@aol.com](mailto:matleyhwexpirt@aol.com). Please note AOL did not permit me to have the second "e" in "expert." I have no idea why.

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If I cannot assist you for any reason, I will endeavor to assist you in finding a reliable expert.